

Name: Thomas Bohmbach, Jr.

Class of works: I am writing in support of Class #1 (Copy-Protected CDs):

Sound recordings released on compact disc ("CDs") that are protected by technological protection measures that malfunction so as to prevent access on certain playback devices.

Summary:

Disc name: Pete Yorn - Songs or the Morning After

I would like an exemption for copy protected CDs, because Peter Yorn's Songs For The Morning After would not play in my car's CD player or on any of my computers because of the copy protection technology encoded in it. The CD that I purchased at full price (\$16.99) refused to play in my car's CD player or any of my computers. In fact, it crashed my Mac OS X computer any time it was inserted. Since these are the only devices that I listen to music on, I was essentially duped into purchasing music that I could not listen to, because the CD was not labeled as copy protected. I exchanged the CD for a new copy from the store I purchased it from, but the new copy had the same problems. Upon trying to return the CD for a refund, I was told that since it was opened, I could only exchange it for the same title. Eventually, I found a program called CDParanoia that successfully encoded the CD into wav files that I was able to convert into ogg files. This allowed me to finally listen to the music that I had legally purchased. CDParanoia (and the Ogg Vorbis file format) may be illegal under the DMCA. My example shows that there are non-infringing uses of such software.